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**STATE OF IOWA**

**Senate Journal**

**TUESDAY, MARCH 11, 2014**

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# JOURNAL OF THE SENATE

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FIFTY-EIGHTH CALENDAR DAY  
THIRTY-FOURTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, March 11, 2014

The Senate met in regular session at 9:05 a.m., President Jochum presiding.

Prayer was offered by Reverend Stasia Fine, pastor of the New Disciples Christian Church in Cedar Rapids, Iowa. He was the guest of Senator Horn.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by IJAG students; Erin Lomax, Taejuane Lews-Douglass, Rachele Gai, and Noel Gonzalez-Dolores.

The Journal of Monday, March 10, 2014, was approved.

## CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Resolution 104](#).

### [Senate Resolution 104](#)

On motion of Senator Dearden, [Senate Resolution 104](#), a resolution congratulating the Grand View University Vikings football team on winning the National Association of Intercollegiate Athletics National Championship, with report of committee recommending passage, was taken up for consideration.

Senator Dearden moved the adoption of [Senate Resolution 104](#), which motion prevailed by a voice vote.

## SPECIAL GUESTS

Senator Dearden welcomed to the Senate chamber members of the Grand View University Vikings football team and their coaches.

The Senate rose and expressed its welcome.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 9:53 a.m. until 1:00 p.m.

## RECONVENED

The Senate reconvened at 1:01 p.m., President Jochum presiding.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Resolution 111](#).

[Senate Resolution 111](#)

On motion of Senator Quirnbach, [Senate Resolution 111](#), a resolution honoring the sesquicentennial anniversary of the city of Ames, with report of committee recommending passage, was taken up for consideration.

Senator Quirnbach moved the adoption of [Senate Resolution 111](#), which motion prevailed by a voice vote.

## SPECIAL GUEST

Senator Quirnbach introduced to the Senate chamber Bob Kindred, the Assistant City Manager of Ames, Iowa.

The Senate rose and expressed its welcome.

## HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 11, 2014, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 2279](#), a bill for an act relating to the issuance of and violations of civil protective orders and criminal no-contact orders and modifying penalties.

Read first time and referred to committee on **Judiciary**.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Ernst and Houser, until they arrive, on request of Senator Dix.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2299 and 2293.

[Senate File 2299](#)

On motion of Senator Brase, [Senate File 2299](#), a bill for an act relating to Iowa's operating-while-intoxicated law and license revocations, temporary restricted licenses, and ignition interlock devices, was taken up for consideration.

Senator Brase withdrew amendment [S-5049](#), filed by him on March 10, 2014, to pages 1 and 8 of the bill.

Senator Brase offered amendment [S-5057](#), filed by him from the floor to pages 1, 6, 8, 9, and 12 and amending the title page of the bill.

(Amendment [S-5057](#) and [Senate File 2299](#) were deferred.)

The Senate stood at ease at 1:13 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 1:33 p.m., President Jochum presiding.

The Senate resumed consideration of [Senate File 2299](#) and amendment [S-5057](#), previously deferred.

Senator Brase moved the adoption of amendment [S-5057](#).

Amendment [S-5057](#) was adopted by a voice vote.

Senator Brase moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2299](#)), the vote was:

Yeas, 28:

Beall	Courtney	Hatch	Ragan
Black	Danielson	Hogg	Schoenjahn
Boettger	Dearden	Horn	Seng
Bolkcom	Dotzler	Jochum	Sodders
Bowman	Dvorsky	Mathis	Taylor
Brase	Gronstal	Petersen	Wilhelm
Breitbach	Hart	Quirnbach	Zaun

Nays, 20:

Anderson	Dix	Johnson	Segebart
Behn	Feenstra	Kapucian	Sinclair
Bertrand	Garrett	McCoy	Smith
Chapman	Greiner	Rozenboom	Whitver
Chelgren	Guth	Schneider	Zumbach

Absent, 2:

Ernst	Houser
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

[Senate File 2293](#)

On motion of Senator Bolkcom, [Senate File 2293](#), a bill for an act relating to the findings of an examining physician assistant for a person believed to be seriously mentally impaired in an emergency situation, was taken up for consideration.

Senator Bolkcom moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2293](#)), the vote was:

Yeas, 48:

Anderson	Courtney	Hatch	Schneider
Beall	Danielson	Hogg	Schoenjahn
Behn	Dearden	Horn	Segebart
Bertrand	Dix	Jochum	Seng
Black	Dotzler	Johnson	Sinclair
Boettger	Dvorsky	Kapucian	Smith
Bolkcom	Feenstra	Mathis	Sodders
Bowman	Garrett	McCoy	Taylor
Brase	Greiner	Petersen	Whitver
Breitbach	Gronstal	Quirnbach	Wilhelm
Chapman	Guth	Ragan	Zaun
Chelgren	Hart	Rozenboom	Zumbach

Nays, none.

Absent, 2:

Ernst	Houser
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2293** and **2299** be **immediately messaged** to the House.

UNFINISHED BUSINESS  
(Deferred March 10, 2014)

[Senate File 2289](#)

The Senate resumed consideration of [Senate File 2289](#), a bill for an act establishing texting while driving as a primary traffic offense for purposes of law enforcement, and amendment [S-5044](#), deferred March 10, 2014.

Senator Bowman asked and received unanimous consent that action on amendment [S-5044](#) be deferred.

Senator Zaun offered amendment [S-5055](#), filed by him on March 10, 2014, striking everything after the enacting clause of the bill.

Senator Gronstal raised the point of order that amendment [S-5055](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-5055](#) out of order.

The Senate resumed consideration of amendment [S-5044](#) and amendment [S-5054](#) to amendment [S-5044](#), previously deferred.

Senator Whitver asked and received unanimous consent to withdraw amendment [S-5054](#) to amendment [S-5044](#).

Senator Whitver asked and received unanimous consent to withdraw amendment [S-5056](#), filed by Senators Whitver and Bowman from the floor to page 2 of amendment [S-5044](#).

Senator Chelgren raised the point of order that amendment [S-5044](#) was not germane to the bill.

The Chair ruled the point not well-taken and amendment [S-5044](#) in order.

Senator Bowman moved the adoption of amendment [S-5044](#).

Amendment [S-5044](#) was adopted by a voice vote.

Senator Bowman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2289](#)), the vote was:

Yeas, 41:

Beall	Dearden	Jochum	Segebart
Bertrand	Dix	Johnson	Seng
Black	Dotzler	Kapucian	Smith
Boettger	Dvorsky	Mathis	Sodders
Bolkcom	Feenstra	McCoy	Taylor
Bowman	Garrett	Petersen	Whitver
Brase	Gronstal	Quirnbach	Wilhelm
Breitbach	Hart	Ragan	Zumbach
Chelgren	Hatch	Rozenboom	
Courtney	Hogg	Schneider	
Danielson	Horn	Schoenjahn	

Nays, 7:

Anderson	Chapman	Guth	Zaun
Behn	Greiner	Sinclair	

Absent, 2:

Ernst	Houser
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

#### CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2195](#).

#### [Senate File 2195](#)

On motion of Senator McCoy, [Senate File 2195](#), a bill for an act modifying provisions applicable to telecommunications regulation under the authority of the utilities board of the utilities division of the department of commerce, was taken up for consideration.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2195](#)), the vote was:

Yeas, 48:

Anderson	Courtney	Hatch	Schneider
Beall	Danielson	Hogg	Schoenjahn
Behn	Dearden	Horn	Segebart
Bertrand	Dix	Jochum	Seng
Black	Dotzler	Johnson	Sinclair
Boettger	Dvorsky	Kapucian	Smith
Bolkcom	Feenstra	Mathis	Sodders
Bowman	Garrett	McCoy	Taylor
Brase	Greiner	Petersen	Whitver
Breitbach	Gronstal	Quirnbach	Wilhelm
Chapman	Guth	Ragan	Zaun
Chelgren	Hart	Rozenboom	Zumbach

Nays, none.

Absent, 2:

Ernst                    Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2195** and **2289** be **immediately messaged** to the House.

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 2:55 p.m. until 9:00 a.m., Wednesday, March 12, 2014.

## APPENDIX

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Mark Baudler, Fontanelle – For achieving the rank of Eagle Scout. Senator Chapman.

Sophia Blockman, Avoca – For winning the State of Iowa Fifth Grade Flag Essay Contest. Senator Houser.

Corlis Boylan, Waterloo – For celebrating his 100<sup>th</sup> birthday. Senator Dotzler.

### REPORTS OF COMMITTEE MEETINGS

#### COMMERCE

**Convened:** Tuesday, March 11, 2014, 3:00 p.m.

**Members Present:** McCoy, Chair; Petersen, Vice Chair; Anderson, Ranking Member; Bertrand, Bolkcom, Breitbach, Chapman, Hatch, Mathis, Schneider, Schoenjahn, Seng, Sinclair, and Wilhelm.

**Members Absent:** Beall (excused).

**Committee Business:** Passed HF 2324 and 2408; governor's appointees.

**Adjourned:** 3:20 p.m.

#### LOCAL GOVERNMENT

**Convened:** Tuesday, March 11, 2014, 11:05 a.m.

**Members Present:** Wilhelm, Chair; Brase, Vice Chair; Sinclair, Ranking Member; Dvorsky, Guth, Hart, Schoenjahn, Taylor, and Zaun.

**Members Absent:** Chelgren and Quirnbach (both excused).

**Committee Business:** Passed [HF 2183](#); governor's appointees.

**Adjourned:** 11:20 a.m.

#### WAYS AND MEANS

**Convened:** Tuesday, March 11, 2014, 3:25 p.m.

**Members Present:** Bolkcom, Chair; Seng, Vice Chair; Feenstra, Ranking Member; Bertrand, Black, Chapman, Dotzler, Hogg, Jochum, McCoy, Petersen, Quirnbach, Schneider, and Smith.

**Members Absent:** Behn (excused).

**Committee Business:** Passed SFs 2198 and 2308; passed HF's 2435 and 2436; approved [SSB 3181](#).

**Adjourned:** 3:55 p.m.

## INTRODUCTION OF BILLS

[Senate File 2334](#), by Zaun, a bill for an act exempting from the individual income tax the wages of individuals who provide services to disabled individuals and including effective date and applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

[Senate File 2335](#), by Zaun, a bill for an act providing a new business tax credit available against the corporate income tax, and including effective date and applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

[Senate File 2336](#), by Feenstra, Anderson, Bertrand, Schneider, Chelgren, Boettger, Chapman, Greiner, Smith, Guth, Johnson, Segebart, Zaun, Garrett, Breitbach, Kapucian, Zumbach, Behn, Dix, Whitver, Rozenboom, and Sinclair, a bill for an act relating to the sales tax exemption for the purchase of certain items used in certain manufacturing, research and development, data processing or storage, or recycling activities.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

## SUBCOMMITTEE ASSIGNMENTS

### [House File 2279](#)

JUDICIARY: Hogg, Chair; Courtney and Schneider

### [House File 2370](#)

STATE GOVERNMENT: Danielson, Chair; Bowman and Chapman

[House File 2382](#)

STATE GOVERNMENT: Danielson, Chair; Dearden and Feenstra

[House File 2408](#)

COMMERCE: McCoy, Chair; Anderson, Beall, Bertrand, Bolkcom, Breitbach, Chapman, Hatch, Mathis, Petersen, Schneider, Schoenjahn, Seng, Sinclair, and Wilhelm

[House File 2410](#)

LOCAL GOVERNMENT: Wilhelm, Chair; Brase and Guth

[House Joint Resolution 2007](#)

STATE GOVERNMENT: Danielson, Chair; Feenstra and Horn

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

**Bill Title:** [HOUSE FILE 2324](#), a bill for an act relating to consumer lending transactions by modifying provisions applicable to certain loan charges and modifying designated monetary limits specified in the consumer credit code, and including applicability provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: McCoy, Petersen, Anderson, Bertrand, Bolkcom, Breitbach, Chapman, Hatch, Mathis, Schneider, Schoenjahn, Seng, Sinclair, and Wilhelm. Nays, none. Absent, 1: Beall.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Bill Title:** [HOUSE FILE 2408](#), a bill for an act modifying notification requirements applicable to underground facility excavations where underground facilities are present.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: McCoy, Petersen, Anderson, Bertrand, Bolkcom, Breitbach, Chapman, Hatch, Mathis, Schneider, Schoenjahn, Seng, Sinclair, and Wilhelm. Nays, none. Absent, 1: Beall.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**LOCAL GOVERNMENT**

**Bill Title:** [HOUSE FILE 2183](#), a bill for an act related to customers with delinquent accounts for the provision of wastewater, sewer system, storm water drainage system, or sewage treatment services by a city utility or city enterprise.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Wilhelm, Brase, Sinclair, Dvorsky, Guth, Hart, Schoenjahn, Taylor, and Zaun. Nays, none. Absent, 2: Chelgren and Quirmbach.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**WAYS AND MEANS**

**Bill Title:** [HOUSE FILE 2435](#), a bill for an act relating to taxation by updating the Code references to the Internal Revenue Code, providing for the repeal of the generation skipping transfer tax and Iowa estate tax, and including effective date and retroactive applicability provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Bolkcom, Seng, Feenstra, Bertrand, Black, Chapman, Dotzler, Hogg, Jochum, McCoy, Petersen, Quirmbach, Schneider, and Smith. Nays, none. Absent, 1: Behn.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [HOUSE FILE 2436](#), a bill for an act relating to the administration of the streamlined sales tax agreement by the department of revenue.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Bolkcom, Seng, Feenstra, Bertrand, Black, Chapman, Dotzler, Hogg, Jochum, McCoy, Petersen, Quirmbach, Schneider, and Smith. Nays, none. Absent, 1: Behn.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**REPORT OF THE SECRETARY OF THE SENATE**

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 2105](#), the following corrections were made:

1. Page 7, line 23, deleted subsec. 1 designation.
2. Page 7, line 32, changed "a." to "1."
3. Page 7, line 35, changed "b." to "2."
4. Page 8, line 4, change "c." to "3."
5. Page 8, line 8, changed "d." to "4."
6. Page 8, line 12, changed "(1)" to "a."

7. Page 8, line 14, changed "(2)" to "b."
8. Page 8, line 17, changed "(3)" to "c."
9. Page 8, line 19, changed "e." to "5."

MICHAEL E. MARSHALL  
Secretary of the Senate

### BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 11th day of March, 2014.

Senate Files 2083, 2105, 2133, 2193, 2197, 2205, 2206, 2230, and 2305.

MICHAEL E. MARSHALL  
Secretary of the Senate

### GOVERNOR'S APPOINTEES PLACED ON EN BLOC CONFIRMATION CALENDAR

The following appointees, assigned to standing committee for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

#### LOCAL GOVERNMENT

Dennis Plautz – City Development Board

Peggy Rice – Mental Health Risk Pool Board  
Shane Walter – Mental Health Risk Pool Board

#### AMENDMENTS FILED

<a href="#">S-5056</a>	<a href="#">S.F. 2289</a>	Jack Whitver Tod R. Bowman
<a href="#">S-5057</a>	<a href="#">S.F. 2299</a>	Chris Brase